

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees**

#### **Initial Statement of Reasons**

##### **Rationale for Proposed Regulations**

Title 5 Sections 80028 and 80487 are proposed to be amended due to significant changes in the method the Commission processes Certificates of Clearance and the method in which examination fees are currently established. Certificates of Clearance are documents the Commission issues to credential candidates before they enter into student teaching and to potential candidates for an initial credential who, prior to admission to a professional preparation program approved by the Commission, wish to determine if they meet the Commission's requirements for character and fitness to teach. The document provides no authorization, only verification that the holder has completed a professional fitness review. There are two major changes that are being proposed to section 80028: Certificates of Clearance would have an expiration date and the university affidavit process would be eliminated.

Section 80487 pertaining to fees is being updated to reflect the changes in the credential fee as well as fees for examinations.

##### **Proposed Changes to Title 5 Regulations**

###### Section 80028

- **80028** The Commission no longer makes professional fitness decisions based on the health of the individual; consequently the health reference is being deleted throughout the section.
- **80028(a) (1) (A)** Staff is proposing that the application be submitted online only. Beginning in August 2006, applicants may submit their applications for Certificates of Clearance online. The submission of applications online greatly decreases the processing time and insures that students in credential programs can begin their student teaching requirement in a timely fashion.
- **80028(a) (1) (A)** The proposed language also eliminates the need for the Certificate of Clearance to accompany the application for the initial credential. The Commission no longer prints Certificates of Clearance and the credit is now processed electronically.
- **80028(a) (1) (C)** The Department of Justice (DOJ) stopped accepting identification cards approximately a year ago. The proposed language requires a livescan submission, which is the method currently used for submitting fingerprint impressions to DOJ. This section also includes proposed language limiting the period of validity for the Certificate to five years. If a person obtains a Certificate of Clearance, but fails to apply for any credential that

authorizes teaching or delivering certain types of services in the public schools, the Commission must currently still track and review any subsequent arrests and convictions, often engaging in lengthy review process concerning a person who has not shown any intention to obtain a teaching or services credential. By limiting the validity of the Certificate of Clearance to five years, the Commission will eventually be able to stop receiving and reviewing reports of subsequent criminal misconduct if the holder of the Certificate of Clearance has not filed an application for a credential.

- **80028(a) (2)** Staff is proposing eliminating the process due to efficiencies gained through online technology. The results of the livescan process take approximately three days, and the Commission's online Certificate of Clearance process takes up to three days. When the affidavit process was initially conceived, the entire professional fitness process was paper-based and time-consuming. With the new technology, colleges and universities no longer need to place student teachers in the classroom without a professional fitness review.
- **80028(b)** Staff is proposing deleting this section as it states the same process as stated at the beginning of the section.

#### Section 80487

- **80487(a) and (a)(1)** Staff is proposing that the fee be changed to fifty-five dollars to align with the fee established in the 2006-2007 Budget Act.
- **80487(a) (2)** Staff is proposing adding the fee to change a name on a credential. This proposed fee aligns the regulations with current process.
- **80487(a) (4)** Staff is proposing deleting the subsection because the fee is included in the fee paid to the examination contractor.
- **80487(a) (5)** The proposed changes in this section are technical to update the language.
- **80487(a) (6) and (7)** The proposed changes align the fees with the current charges assessed by the Federal Bureau of Investigation and the California Department of Justice.
- **80487(a) (8) & (9) and (10)** These deletions are being proposed because all three examinations have not been administered for over ten years.
- **80487(c)** The proposed changes delete references to specific examinations. The current practice is for the examination fees be paid to the testing contractor.
- **80487(e)** Staff is proposing that the fee be valid for sixty days. Transcripts are the documents that usually delay the processing of an application. Universities no longer take sixty days to mail an official transcript.
- **80487(f)** These fees are now collected by the testing contractor.

- **80487(g)** The proposed deletion is a technical change. The sunset date for submission of these documents was January 1, 2003.

### **Documents Relied Upon in Preparing Regulations**

The Commission did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of this regulation amendment.

### **Alternatives Considered**

The Commission must determine that no alternative considered will be more effective in carrying out the purpose for which the action is proposed or will be as effective and less burdensome to affected private persons or small businesses than the proposed action.